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-and-

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Attorneys for Defendant
UBS Financial Services Inc.

GERARD MURO,

Plaintiff,

vs.

UBS FINANCIAL SERVICES INC.,

Defendant.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil Action No. 07-CV-6492

Hon. Loretta A. Preska, U.S.D.J.

**NOTICE OF MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

TO: Dan Brecher, Esq.
LAW OFFICES OF DAN BRECHER
99 Park Avenue, 16th Floor
New York, NY 10016
Attorneys for Plaintiff

COUNSEL:

PLEASE TAKE NOTICE that, on such date and at such time as may be scheduled by the Court, Defendant UBS Financial Services Inc. ("UBS") shall move before the Honorable Loretta A. Preska, United States District Judge, United States District Court for the Southern District of New York, at the U.S. Courthouse, 500 Pearl

Street, Room 1320, New York, New York, for an Order dismissing, with prejudice, the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted;

PLEASE TAKE FURTHER NOTICE that, in support of its motion, UBS shall rely upon the following papers, which are submitted herewith:

1. Memorandum of Law in Support of Defendant's Motion To Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6); and
2. Declaration of Julian Wells, with exhibits;

PLEASE TAKE FURTHER NOTICE that oral argument is hereby requested in the event that timely opposition is submitted; and

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

RIKER, DANZIG, SCHERER, HYLAND
& PERRETTI LLP
Attorneys for Defendant
UBS Financial Services Inc.

By: s/ Julian Wells
Julian Wells

Dated: September 14, 2007

CERTIFICATE OF SERVICE

I, Julian Wells, pursuant to 28 U.S.C. § 1746, hereby certify that, on September 17, 2007, I caused a copy of UBS's Notice of Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6), Memorandum of Law in Support of Defendant's Motion To Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) and Declaration of Julian Wells, with exhibits, to be sent by Federal Express overnight mail to:

Dan Brecher, Esq.
LAW OFFICES OF DAN BRECHER
99 Park Avenue, 16th Floor
New York, NY 10016
Attorneys for Plaintiff

I certify under penalty of perjury that the foregoing is true and correct.

s/ Julian Wells

Julian Wells

Dated: September 14, 2007

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